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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,788	02/04/2002	Edward Eaton	TANDEM-1	2221

7590 10/22/2003
CALIF KIP TERVO
6387 CAMINITO LAZARO
SAN DIEGO, CA 92111

EXAMINER

NGO, LIEN M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 10/22/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,788

Applicant(s)

EATON ET AL

Examiner

LIEN TM NGO

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's election without traverse of group I, claim 1-15, in Paper No. 3 is acknowledged.

Claim Objections

2. Claims 6 and 11 are objected to because of the following informalities:

In claim 6, line18, "a longitudinal" should be --the longitudinal--.

In claim 11, line16, "a compression" should be --the compression--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6 and 14 are indefinite because it cannot be determined what are "a longitudinal compressive force" and "at failure".

Claims 3 and 8 are indefinite because it cannot be determined what are "a compression line" and "the neutral bending axis"

Claim 11 is indefinite because it cannot be determined what are "a compression line", "the neutral bending axis", "a longitudinal compressive force" and "at failure".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodwin (5,564,586). Goodwin discloses, in figs. 1 and 2, a refuse bin lid comprising a rectangular panel, a hinge end, and an opening end. The panel is defined by a plurality corrugation spanning substantially between the opening end and the hinge end and including a bend section (see fig. 1 and number 16), wherein the lower portions of the corrugations having a reduced cross-sectional area 22 (see fig. 2).

7. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (Des. 395,106). Taylor discloses, in figs. 1-3 and 5, a refuse bin lid comprising a rectangular panel, a hinge end, and an opening end. The panel is defined by a plurality corrugation spanning substantially between the opening end and the hinge end and including a bend section (see fig. 2 and 3), wherein the lower portions of the corrugations having a reduced cross-sectional area (see fig. 5).

8. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (4,771,940). Taylor discloses, in figs. 1, 7 and 8, a refuse bin lid comprising a rectangular panel, a hinge end, and an opening end. The panel is defined by a plurality corrugation spanning substantially between the opening end and the hinge end and

including a bend section (see fig. 1), wherein the lower portions of the corrugations having a reduced cross-sectional area 22 (see fig. 7).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sanders and Fagliano teach refuse bin lids comprising a plurality of longitudinal corrugations.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 703-305-0294. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Lien Ngo

October 17, 2003

A handwritten signature in black ink, appearing to be 'Lien Ngo', with a long, sweeping horizontal stroke extending to the right.